

ASSIGNMENT 6

Textbook Assignment: "Courts-Martial Procedures (continued)," and "Nonjudicial Punishment," chapters 5 and 6, pages 5-16 through 6-37.

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| <p>6-1. A military counsel must be qualified under what article of the UCMJ?</p> <ol style="list-style-type: none">1. 192. 273. 284. 38 | <p>6-5. A general court-martial should be comprised of at least how many members?</p> <ol style="list-style-type: none">1. Six2. Seven3. Three4. Five |
| <p>6-2. What official is responsible for making the initial determination on the availability of military witnesses?</p> <ol style="list-style-type: none">1. Convening authority2. Counsel for the government3. Commanding officer of the witness4. Pretrial investigation officer | <p>6-6. The effects of a BCD on the benefits of a veteran depend on which of the following factors?</p> <ol style="list-style-type: none">1. Type of court-martial2. The facts of the case3. Who administers the benefits4. All of the above |
| <p>6-3. During an Article 32 investigation, a witness is not reasonably available. If the defense objects, what type of statement may the investigating officer consider?</p> <ol style="list-style-type: none">1. Sworn2. Written3. Unsworn4. Prior testimony | <p>6-7. A special-court martial may adjudge hard labor without confinement for a maximum of how many months?</p> <ol style="list-style-type: none">1. 52. 23. 34. 4 |
| <p>6-4. The pretrial advice by the CO's staff judge advocate does NOT include which of the following elements?</p> <ol style="list-style-type: none">1. Whether each specification alleges an offense2. Whether each allegation is substantiated by the evidence3. A recommended action by the convening authority4. A recommended punishment for the offense | <p>6-8. What term identifies a lump sum judgment against an accused payable to the United States?</p> <ol style="list-style-type: none">1. Fine2. Charge3. Penalty4. Forfeiture |

6-9. Automatic reduction to paygrade E-1 is effected upon what approved punishment?

1. Punitive discharge and confinement in excess of 90 days
2. Punitive discharge or confinement in excess of 90 days
3. Confinement in excess of 90 days or 3 months only
4. Confinement in excess of 30 days or 1 month only

6-10. The escalator clause permits a punitive discharge to those personnel involved in what type of cases?

1. Moral turpitude
2. Chronic offenders
3. Grievous bodily harm
4. Unauthorized absence of 1 year

6-11. What is the maximum sentence a special court-martial may award?

1. BCD, confinement for 3 months, and forfeiture of 1/2 pay per month for 6 months
2. BCD, confinement for 6 months, and forfeiture of 2/3 pay per month for 6 months, and reduction in rate to E-1
3. BCD, confinement for 6 months, and forfeiture of 3/4 pay per month for 6 months
4. BCD, confinement for 1 year, and forfeiture of 3/4 pay per month for 8 months, and reduction in rate to E-1

IN ANSWERING QUESTIONS 6-12 THROUGH 6-16, SELECT THE COUNSEL'S TACTIC FROM COLUMN B THAT MATCHES THE PURPOSE LISTED IN COLUMN A. RESPONSES MAY BE USED MORE THAN ONCE.

	<u>A. PURPOSE</u>	<u>B. COUNSEL'S TACTICS</u>
6-12.	An attempt to lead the witness	1. Friendly counsel
6-13.	To confuse the witness	2. Condescending counsel
6-14.	To give the impression that the witness is unreliable	3. Rapid fire questions 4. Suggestive
6-15.	To force inconsistent answers	
6-16.	To lull the witness into a false sense of security	
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6-17.	Procedures and directives for Masters-at-Arms personnel assigned to duty at courts-martial are set forth by which of the following authorities?	1. Type commander 2. Individual commands 3. Secretary of the Navy 4. Judge Advocate General
6-18.	When assigned to guard a prisoner in court, where should the MAA be stationed?	1. At the rear of the court 2. In a position to observe the prisoner 3. As directed by the defense counsel 4. At the bar facing the court

- 6-19. If a prisoner is delivered to a court in handcuffs, when, if ever, may the handcuffs be removed?
1. During the proceedings
 2. When the prisoner arrives
 3. When the prisoner enters the courtroom
 4. Never
- 6-20. Arrangements for the location of witnesses are made with whom?
1. The judge
 2. The court bailiff
 3. The defense counsel
 4. The trial counsel
- 6-21. During a trial, administrative errands are performed by whom?
1. The guard
 2. The court bailiff
 3. The messenger
 4. The MAA
- 6-22. Before and after each session of court the court bailiff receives specific instructions from whom?
1. The defense counsel
 2. The senior member
 3. The military judge
 4. The trial counsel
- 6-23. In the deliberation room, the bailiff performs which of the following duties?
1. Guards the entrance
 2. Ensures the court members have pencils and pads of voting paper
 3. Provides court papers for the defense and trial counsel
 4. Performs errands
- 6-24. When the military judge enters the courtroom, the bailiff makes what statement?
1. JUDGE _____, PRESIDING
 2. COURT IS IN SESSION
 3. EVERYONE PLEASE STAND
 4. ALL PERSONS PLEASE RISE
- 6-25. When the court members enter the courtroom, what announcement, if any, will the bailiff make?
1. ATTENTION ON DECK
 2. EVERYONE PLEASE STAND
 3. ALL PERSONS PLEASE RISE
 4. None
- 6-26. If a member of the news media insists on bringing a camera into the courtroom, the bailiff should report the incident to whom?
1. The guard
 2. The judge
 3. The trial counsel
 4. The senior court member
- 6-27. When court members are in closed session, who may enter the deliberation room?
1. The trial counsel
 2. The defense counsel
 3. The court members
 4. The bailiff
- 6-28. A court bailiff should be prepared to furnish which of the following services?
1. Summon witnesses
 2. Summon court members
 3. Collect written questions
 4. All of the above
- 6-29. Masters-at-Arms are assigned to civil court for which of the following reasons?
1. To ensure the civil courts treat the Armed Forces personnel fairly
 2. To act as an escort for the accused servicemember
 3. To record the court proceedings
 4. To establish and maintain a good working relationship between Armed Forces personnel and civil agencies

- 6-30. It is the duty of civil court liaison to use what resource(s) to learn of civil offenses committed by military personnel?
1. Civil police department only
 2. Civil police and military police only
 3. Military police and legal office only
 4. All available resources
- 6-31. Civil court liaison personnel perform which of the following duties?
1. Accept custody of military personnel released by civil authorities
 2. Maintain a written record of visits
 3. Initiate reports as required
 4. Each of the above
- 6-32. When, if ever, are working files of civilian court cases destroyed?
1. When the case is closed
 2. Six months after the case is closed
 3. One year after the case is closed
 4. Never
- 6-33. A Master-at-Arms, acting as a civilian court liaison, may be required to attend sessions of criminal and traffic courts.
1. True
 2. False
- 6-34. The basic laws of nonjudicial punishment may be found in which of the following sources?
1. Part V of the MCM
 2. Part B of the JAGMAN
 3. Article 15 of the UCMJ
 4. All of the above
- 6-35. Which of the following statements is correct concerning nonjudicial punishment (NJP)?
1. It is a forum for command members to air grievances
 2. The power to impose NJP is inherent in the individual
 3. It promotes positive behavior changes
 4. It is reserved for major offenses only
- 6-36. Ordinarily, the power to impose nonjudicial punishment cannot be delegated.
1. True
 2. False
- 6-37. What official must approve any limitation of authority by subordinate commanders under Article 15?
1. CNO
 2. SECDEF
 3. SECNAV
 4. CHNAVPERS
- 6-38. Which of the following personnel may be taken to mast by a Navy commander?
1. TSGT Brush, USAF
 2. SSGT Doe, USA
 3. MM3 Boate, USCG
 4. CPL Pistol, USMC
- 6-39. Under what circumstance, if any, may Reserve personnel be recalled to active duty for imposition of nonjudicial punishment that includes restraint?
1. When recalled by the CO of the Reserve center
 2. When the recall is approved by SECNAV
 3. When recalled for a time longer than the period of restraint
 4. None

- 6-40. A member's right to refuse imposition of nonjudicial punishment terminates at what time?
1. When the report chit is signed accepting mast
 2. When the rights acknowledgment is signed
 3. When the accused appears before the CO
 4. When the punishment is announced by the CO
- 6-41. The term "minor offense" means misconduct that is usually handled at which of the following courts-martial?
1. Summary
 2. Special
 3. General
- 6-42. Who makes the final determination as to whether or not an offense is considered minor?
1. Legal officer
 2. Division officer
 3. Executive officer
 4. Commanding officer
- 6-43. A commanding officer who has imposed nonjudicial punishment may not later refer the same case to a court-martial.
1. True
 2. False
- 6-44. A member may receive nonjudicial punishment after being tried by which of the following courts?
1. Juvenile court
 2. Federal district court
 3. Special court-martial
 4. General court-martial
- 6-45. Where can instructions be found for processing a Report and Disposition of Offense(s), NAVPERS Form 1626/7?
1. MCM
 2. JAGMAN
 3. BUPERSINST 1626.1
 4. On the form itself
- 6-46. The NAVPERS Form 1626/7 serves its purpose well but does not include which of the following information?
1. Records and premast restraint
 2. Preliminary inquiry report
 3. Premast advice
 4. Appeal rights
- 6-47. In what manner should witnesses be listed on the NAVPERS Form 1626/7?
1. Civilian witnesses and then military witnesses in order of seniority
 2. Military witnesses and then civilian witness in alphabetical order
 3. Military witnesses by seniority and then civilians
 4. Military and civilian witnesses in the order of involvement in the offense
- 6-48. If an accused refuses to sign the NAVPERS Form 1626/7 acknowledging the charges against him, what action should be taken?
1. The person informing the accused of the charges should sign for the accused
 2. The person informing the accused of the charges will sign to that fact
 3. The accused should be given a direct order to sign the form
 4. The form is forwarded without any signatures

- 6-49. In addition to the accused, who else must sign the premast restraint section of the NAVPERS Form 1626/7 when restriction is imposed?
1. The division officer
 2. The commanding officer
 3. The person informing the accused of the offense(s)
 4. The person imposing restraint
- 6-50. The accused's nonjudicial punishment notification and election of rights may be found in which of the following documents?
1. MCM
 2. UCMJ
 3. JAG Manual
 4. NAVPERS 1626/7
- 6-51. The term "Booker rights" includes which of the following rights?
1. The accused was offered an opportunity to talk with an attorney
 2. The accused was informed that acceptance of NJP does not prevent further administrative action
 3. The accused was offered an opportunity to demand trial by court-martial
 4. All of the above
- 6-52. At mast, the CO's determination of the accused's guilt is based on which of the following evidentiary foundations?
1. Preponderance of the evidence
 2. Probable circumstances
 3. Credible evidence
 4. Findings of fact
- 6-53. Which of the following statements is correct regarding the presence of personal representatives and witnesses at an NJP hearing?
1. Civilians may be subpoenaed to attend
 2. Witnesses from another command may be ordered to attend at their own expense
 3. The command holding the hearing must provide a personal representative
 4. A civilian lawyer may represent the accused
- 6-54. The results of NJP should be published not later than how long after imposition of punishment?
1. 1 wk
 2. 2 wk
 3. 1 mo
 4. 2 mo
- 6-55. Which of the following actions may be taken by a commanding officer at mast?
1. Refer the case to an Article 32 pretrial investigation
 2. Dismiss the case with a warning
 3. Postpone the action pending further investigation
 4. Each of the above
- 6-56. The NJP power of an OIC is limited to that of COs in which of the following paygrade ranges?
1. W1 to O2
 2. O1 and O2 only
 3. O2 and O3 only
 4. O1 to O3

6-57. An OIC may award an E-3 which of the following NJP punishments?

1. Correctional custody for 14 days
2. Correctional custody for 7 days
3. Restriction for 15 days
4. Forfeiture of one-half of 1 month's pay for 1 month

6-58. A total of how many specific types of punishment may be awarded at mast?

1. Five
2. Six
3. Seven
4. Eight

6-59. Procedures for issuing punitive letters may be found in which of the following publications?

1. MCM
2. UCMJ
3. JAGMAN
4. MILPERSMAN

6-60. An officer placed on arrest or restriction will not be confined to quarters except under which of the following conditions?

1. The officer is stationed on board a ship
2. The officer has been relieved of all duties
3. The safety or the discipline of the ship requires it
4. The officer is in paygrade 03 or below

6-61. Of the following statements, which one is correct concerning extra duties?

1. Guard duty may not be assigned as extra duty
2. Extra duty must be performed during normal working hours
3. Any type of duty may be assigned
4. Extra duty should not be performed on holidays

6-62. Confinement on bread and water may be deferred for a maximum of how many days?

1. 7
2. 15
3. 30
4. 180

6-63. A member submits an NJP appeal and requests that punishment involving restraint be stayed pending action on the appeal. If no action is taken on the appeal, how many days after the appeal was submitted will the stay take effect?

1. 5
2. 7
3. 3
4. 15

6-64. Which of the following combinations of NJP punishment is acceptable?

1. Arrest in quarters and 10 days restriction
2. Confinement on bread and water and 15 days extra duty
3. Reduction in rate to E-2 and forfeiture of one-half of 1 month's pay per month for 2 months
4. Correctional custody and 10 days extra duty

6-65. A CO who desires to set aside an NJP punishment should do so within what maximum number of months?

1. 1
2. 6
3. 3
4. 4

6-66. A letter of notification setting aside an NJP should be signed by the CO and addressed to what command?

1. CNO
2. NCIS
3. TYCOM
4. NAVPERS

- 6-67. A member serving an NJP punishment reaches his or her EAOS. What term identifies what happens to the unexecuted punishment?
1. Remission
 2. Mitigation
 3. Suspension
 4. Vindication
- 6-68. The punishment of reduction in rate to E-2 may be mitigated to what punishment?
1. Restriction
 2. Forfeiture of pay
 3. Correctional custody
 4. Confinement on bread and water
- 6-69. What term identifies an action to withhold punishment for a time pending the good behavior of an accused?
1. Remission
 2. Mitigation
 3. Suspension
 4. Vindication
- 6-70. Which of the following reasons may an accused properly use for an NJP appeal?
1. More than one punishment was awarded
 2. The punishment was unjust or disproportionate
 3. The accused was not represented by a lawyer
 4. The accused was damaged financially
- 6-71. To what official should an accused's NJP appeal letter be addressed?
1. Legal officer
 2. Area commander
 3. Area coordinator
 4. Staff judge advocate
- 6-72. An accused submits a letter of appeal and the CO takes corrective action based on the circumstances. After corrective action is taken, to whom should the appeal letter be forwarded?
1. The accused
 2. The reviewer
 3. The legal officer
 4. The division officer
- 6-73. The last endorsement to an appeal package is addressed to what official?
1. Legal officer
 2. CO of the accused
 3. Personnel officer
 4. Officer exercising general court-martial jurisdiction
- 6-74. An enlisted service member has been given an oral reprimand at mast. In addition to a service record entry, should the reprimand be documented elsewhere? If so, where?
1. Yes; notated on the report chit
 2. Yes; by letter to the division officer
 3. Yes; by letter to the legal officer
 4. No
- 6-75. If your command does not have the facilities to impose restriction, what action should your command take?
1. Defer the punishment until facilities are in place
 2. Mitigate the punishment
 3. Suspend the punishment
 4. Send the accused to the nearest command with the appropriate facilities